UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

EDWARD G. ARBERRY,

Petitioner,

v.

D. K. SISTO, Warden, et al.,

Respondents.

Civil No. 08-0649 J (POR)

ORDER DENYING IN FORMA PAUPERIS APPLICATION AND DISMISSING CASE WITHOUT PREJUDICE

Petitioner, a state prisoner proceeding pro se, has not paid the $5.00 filing fee and has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

The request to proceed in forma pauperis is denied because Petitioner has not provided the Court with sufficient information to determine Petitioner's financial status. A request to proceed in forma pauperis made by a state prisoner must include a certificate from the warden or other appropriate officer showing the amount of money or securities Petitioner has on account in the institution. Rule 3(a)(2), 28 U.S.C. foll. § 2254; Local Rule 3.2. Petitioner has failed to provide the Court with the required Prison Certificate.

Accordingly, the Court **DENIES** the request to proceed in forma pauperis, and **DISMISSES** the case without prejudice. To have the case reopened, Petitioner must, no later than **June 16, 2008**, provide the Court with: (1) a copy of this Order together with the $5.00

filing fee; or (2) a copy of this Order together with adequate proof that Petitioner cannot pay the $5.00 filing fee. *For Petitioner's convenience, the Clerk of Court shall attach a blank Southern District in forma pauperis form, which includes the required Prison Certificate.*

IT IS SO ORDERED.

DATED: April 18, 2008

HON. NAPOLEON A. JONES, JR.
United States District Judge